

## REMARKS

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Initially, with regard to the Office Action Summary page, there is an inadvertent error in the pending claims (1-283). The pending claims are Claims 1-28.

Furthermore, the Examiner indicates that Claims 20-26 are withdrawn from consideration. However, the Restriction Requirement set forth in the Office Action of April 9, 2003, does not indicate where Claim 24 is grouped among Groups I-V. It appears that Claim 24 should be included in Group V, and the Examiner is kindly requested to so indicate in the next PTO communication.

The Office Action Summary page also indicates that Claims 1-19, 26 and 27 are rejected. Applicants assume the Examiner meant to indicate that Claims 1-19, 27 and 28 are rejected. Claim 26 has been designated as being withdrawn from consideration.

The claims have now been amended in response to the rejection of Claims 1-19, 27 and 28 under the first paragraph of 35 U.S.C. 112, as well as the rejection of Claims 17-19 under the second paragraph of 35 U.S.C. 112, rendering both of these rejections moot.

With particular regard to the rejection of the claims under the first paragraph of 35 U.S.C. 112, the heterocyclic group for  $R_3$  has been limited to those set forth in Claim 10.

Accordingly, Claim 10 has been amended to delete reference to these particular heterocyclic groups.

Claim 14 has been cancelled, rendering the rejection of this claim under 35 U.S.C. 101, and also as being indefinite, moot.

Claims 4-13 and 15-19 are improper multiple dependent claims, because they include dependency on other multiple dependent claims. To correct this, each of Claims 4-11, 13 and 15-18 has been amended to depend only on Claim 1. Claim 12 remains dependent on Claim 11, and Claim 19 remains dependent on Claim 17 or 18.

Claim 27 is an independent claim, but does not independently define formula (1) or formula (2). Claim 28 is an improper multiple dependent claim because it does not depend on other claims only in the alternative. To avoid these problems, Claims 27-28 have been cancelled in favor of new

Claims 29-32. Claim 29 corresponds to Claim 27 except that Claim 29 defines formulae (1) and (2), which are taken from amended Claim 1 and Claim 20, respectively. Claims 30-32 correspond to Claim 28, to the extent of its dependency on Claims 21-23, respectively.

The patentability of the present invention over the disclosure of the reference relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

Thus, the rejection of Claims 1-19 and 26-27 under 35 U.S.C. 102(b) as being anticipated by Hecker et al., is respectfully traversed.

The Examiner states that this reference discloses the instant compound, 2-pyridinecarboxamide, 3-hydroxy. The Examiner then refers to the instant compound at columns 1-86. Columns 1-86 cover the entire reference and Applicants are unable to find any reference to 2-pyridinecarboxamide, 3-hydroxy therein. The Examiner is kindly requested to point out the specific portion of the reference where this compound, or any other compound within the scope of the present claims, is disclosed.

In view of the foregoing amendments and remarks, it submitted that each of the grounds of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

Keiichi IMAMURA et al.

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975

By: 

Michael R. Davis  
Registration No. 25,134  
Attorney for Applicants

MRD/tg  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
December 17, 2003